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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,365	09/29/2000	Arnold N. Blinn	MSFT-0208/150665.1	2197

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EXAMINER
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2175	7

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary		Application No.	Applicant(s)
		09/676,365	BLINN ET AL.
		Examiner	Art Unit
		Neveen Abel-Jalil	2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 June 2003_ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-49_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-49_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1.   The request for reconsideration filed on June 27, 2003 has been received and entered.

Claims 1-49 are pending.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-3, 5-9, 13-23, 25-28, 32-39, and 41-49 are rejected under 35 U.S.C. 102(e) as

being anticipated by Call (U.S. Patent No. 6,418,441).

As to claim 1, Call discloses a method comprising:

(a)   hosting, on a server (See column 27, lines 55-67), a database of specification data

of products of a plurality of different manufacturers (See column 27, lines 36-51), the product

specification data in the database being arranged in predefined product classes (See column 25,

lines 37-60);

(b)   defining, for each product class, a schema for the entry of specification data of

products in that product class (See column 25, lines 37-60);

(c)   providing an interface for use by product manufacturers for entry of new product

specification data into the database and for modifying existing product specification data in the

database (See column 27, lines 1-13, also see column 12, lines 57-67, and column 13, lines 1-3), the interface requiring each manufacturer to use a same schema when entering or modifying product specification data in a particular product class (See column 25, lines 1-36, wherein "same" reads on "universal"); and

(d)   in exchange for remuneration from a given manufacturer, providing that manufacturer with access to the interface and to its respective product specification data in the database for use outside of the database (See column 31, lines 49-60, wherein "external" reads on "Internet", also see column 26, lines 36-67, wherein "remuneration" reads on "credit card number", and wherein "interface" reads on "web browser").

As to claim 2, Call discloses wherein (d) comprises permitting the manufacturer to query product specification data from the database (See column 32, lines 51-65, wherein "query" reads on "search", also see column 33, lines 1-10, wherein "data from the database" reads on "indexing services... locate").

As to claim 3, Call discloses wherein (d) comprises providing a manufacturer with a link to a Web page generated on behalf of the manufacturer that contains product specification data requested by the manufacturer (See column 32, lines 27-50, wherein "link" reads on "URL").

As to claims 5, 22, and 38, Call discloses wherein (d) comprises exporting product specification data to a manufacturer in one of an Excel spreadsheet format (XLS), an Extensible

Markup Language (XML) format (See column 32, lines 6-15, also see column 23, lines 24-32),
and a CSV format.

As to claims 6, and 25, <u>Call</u> discloses wherein (d) further comprises charging each
manufacturer desiring to have access to the database a fee for such access (See column 14, lines
15-28, wherein "fee" reads on "schedule payment", and wherein "manufacturer" reads on
"retailer").

As to claims 7, and 26, <u>Call</u> discloses wherein the fee is in the form of a monetary
payment (See column 14, lines 15-28, wherein "monetary payment" reads on "check or
electronic funds").

As to claims 8, and 27, <u>Call</u> discloses wherein the fee comprises a one-time fee (See
column 11, lines 42-52).

As to claims 9, and 28, <u>Call</u> discloses wherein the fee comprises a periodically recurring
fee (See column 28, lines 1-9, wherein "periodically recurring fee" reads on "periodic
payments").

As to claims 13, 18, and 34, <u>Call</u> discloses wherein (c) comprises permitting each
manufacturer to add and edit the product specification data for a single product in the database
(See column 12, lines 17-30, also see column 12, lines 57-67, and column 13, lines 1-3).

As to claims 14, 19, and 35, Call discloses wherein (c) comprises permitting a manufacturer to add or edit the product specification data for multiple products in a single data feed (See column 24, lines 50-65).

As to claims 15, 20, and 36, Call discloses wherein (c) further comprises accepting the product specification data for multiple products in the single data field in one of all Excel spreadsheet format (XLS), an Extensible Markup Language (XML) format (See column 28, lines 27-41), and a CSV format.

As to claims 16, and 32, Call discloses a computer-readable medium having computer-executable instructions stored thereon comprising component that form a system for enabling an entity to serve as an application service provider with respect to product specification data of a plurality of manufacturers (See column 31, lines 62-67, and column 32, lines 1-5, wherein "application service provider " reads on "view product information...via a shared product information server"), the components comprising:

a database of specifications of products of the plurality of different manufacturers (See column 27, lines 36-51), the product specifications in the database being arranged in predefined product classes (See column 25, lines 37-60); and

an interface for use by the plurality of manufacturers (See column 27, lines 1-13, also see column 12, lines 57-67, and column 13, lines 1-3) for the entry of specifications of products in a given product class, there being defined, for each product class, a schema for the entry of

specifications of products in that product class, the interface requiring each manufacturer to use

the defined schema for a given product class when entering product specification data for

products in that class (See column 25, lines 1-36, wherein "when entering" reads on "universal"),

the interface further permitting each manufacturer that provides remuneration to the

entity to access its respective product specification data in the database for use outside of the

database (See column 31, lines 49-60, wherein "external" reads on "Internet", also see column

26, lines 36-67, wherein "remuneration" reads on "credit card number", and wherein "interface"

reads on "web browser").

As to claim 17, <u>Call</u> discloses wherein the interface (See column 34, lines 51-61, wherein

"interface" reads on "web browser") further comprises a component that a manufacturer can use

to search for and list product specification data stored in the database for its products (See

column 9, lines 20-36).

As to claims 21, and 37, <u>Call</u> discloses the interface permits a manufacturer (See column

6, lines 1-28, wherein "permits" reads on "password") to query product specification data from

the database for use outside of the database (See column 8, lines 41-51).

As to claims 23, and 39, <u>Call</u> discloses wherein the interface component is capable of

providing the manufacturer with a link to a Web page generated on behalf of a manufacturer that

contains product specification data from the database (See column 8, lines 55-67, also see

column 2, lines 30-39).

As to claim 33, <u>Call</u> discloses wherein the interface component further comprises a component that a manufacturer can use to search for and list product specification data stored in the database for its products (See column 27, lines 26-35, also see column 33, lines 1-16).

As to claims 41, 44, and 47, <u>Call</u> discloses wherein the remuneration is in the form of permission (See column 6, lines 1-28, wherein "permits" reads on "password") from the manufacturer to use the product specification data in connection with another method (See column 21, lines 24-39, also see column 13, lines 47-61).

As to claims 42, 45, and 48, <u>Call</u> discloses wherein said use of the product specification data in connection with another method comprises using the product specification data in connection with product offers hosted by an online shopping Web site (See column 30, lines 52-65, also see column 24, lines 57-65).

As to claims 43, 46, and 49, <u>Call</u> discloses wherein the interface operates to pull product specification data from a manufacturer and to format it in accordance with a respective product class schema (See column 25, lines 37-60).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 4, 10-12, 24, 29-31, and 40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Call (U.S. Patent No. 6,418,441) in view of Walker et al. (U.S. Patent No.

6,405,174).

As to claim 4, Call does not disclose wherein (d) further comprises partnering with the

manufacturer to permit the generated Web page to be co-branded.

Walker et al. discloses wherein (d) further comprises partnering with the manufacturer to

permit the generated Web page to be co-branded (See Walker et al. column 3, lines 18-27,

wherein "manufacturer" reads on "merchant").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Call to include wherein (d) further comprises partnering

with the manufacturer to permit the generated Web page to be co-branded.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have modified Call by the teaching of Walker et al. to include wherein (d) further

comprises partnering with the manufacturer to permit the generated Web page to be co-branded

because it always for partnership in business across the glob thereby reducing business costs.

As to claims 10, and 29, Call does not disclose wherein the fee is based on usage of the

database by the manufacturers.

Walker et al. discloses wherein the fee is based on usage of the database by the manufacturers (See column 13, lines 1-19, wherein "usage" reads on "rate").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Call to include wherein the fee is based on usage of the database by the manufacturers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Call by the teaching of Walker et al. to include wherein the fee is based on usage of the database by the manufacturers based on a number of times that the manufacturer accesses the database to retrieve product specification data because it provides for an adequate method to control inventory and create revenue thereby reducing business costs.

As to claims 11, and 30, Call as modified discloses wherein the fee for a given manufacturer is based on the volume of product information stored in the database by that manufacturer (See column 27, lines 36-67, and column 28, lines 1-8, wherein "volume" reads on "quantity", and wherein "fee" reads on "payment").

As to claims 12, and 31, Call as modified discloses wherein the fee for a given manufacturer is based on a number of times that the manufacturer accesses the database to retrieve product specification data (See Walker et al. column 12, lines 36-50, wherein "number of times" reads on "rate").

As to claims 24, and 40, <u>Call</u> does not disclose wherein the Web page is co-branded by both the manufacturer and the entity that operates the system.

<u>Walker et al.</u> discloses wherein the Web page is co-branded by both the manufacturer and the entity that operates the system (See <u>Walker et al.</u> column 3, lines 18-27, wherein "manufacturer" reads on "merchant").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified <u>Call</u> to include wherein the Web page is co-branded by both the manufacturer and the entity that operates the system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified <u>Call</u> by the teaching of <u>Walker et al.</u> to include wherein the Web page is co-branded by both the manufacturer and the entity that operates the system because it provides for a way to increase revenues for both sides and allowing for greater exposure in business.

Response to Arguments

6.   Applicant's arguments filed on June 27, 2003 have been fully considered but they are not persuasive.

Applicant's arguments on page 3, and 4 of response dated 27-June-2003 "<u>Call</u> does not teach or suggest "a database of specification data of products of a plurality of different manufacturers" is respectfully acknowledged but is not deemed to be persuasive.

Examiner's response that <u>Call</u> does indeed teach a shared sale server see column 3, lines 52-67, also see <u>Call</u> column 10, lines 2-22, where <u>Call</u> shows plurality of manufacturers being able to access and share information with each other. Call clearly speaks of manufacturer and products being stored on Internet serves to be accessible by all via XML standard in column 2, lines 8-29, wherein "database of specification" reads on "cross referencing database".

Applicant's arguments on page 3, and 4 of response dated 27-June-2003 "<u>Call</u> does not teach or suggest "interface requiring each manufacturer to use a same schema when entering or modifying product specification data in a particular product class" is respectfully acknowledged but is not deemed to be persuasive.

Examiner's response is that <u>Call</u> does indeed teach XML as the database storage access schema standard as sited in column 2, lines 12-16, and column 34, claim 5 language, also <u>Call</u> specifies that XML schema provides for standardized content in column 32, lines 1-26.

Examiner respectfully points the applicant to W3C working group paper on XML at: <u>http://www.w3.org/TR/1999/NOTE-xml-schema-req-19990215</u> (dated 15 February 1999), which states: "One important class of application uses a schema definition to guide an author in the development of documents. A simple example might be a memo, whereas a more sophisticated example is the technical service manuals for a wide-body intercontinental aircraft. The application can ensure that the author always knows whether to enter a date or a part-number, and might even ensure that the data entered is valid".

The page also states about XML being a standard schema that provides control "In multi-vendor environment, discriminates data governed by different schemas (industry-standard, vendor-specific) and know when it is safe to ignore information not understood and when an error should be raised instead; provide transparency control. Applications include media devices, security systems, plant automation, process control".

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Roberts et al. (U.S. Patent No. 6,560,633 B1) teaches request for web service returns a graphical user interface and a runtime model is a type of document that represents any XML data, it declares the structure, functionality, and behavior of a web services architecture.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:00AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Neveen Abel-Jalil

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